

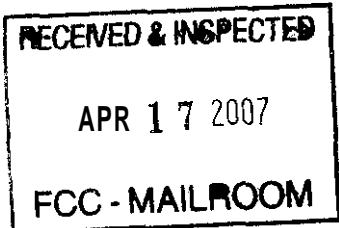
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Memorandum

TECHNOLOGY SERVICES

3 Independent School District
800 S. Texas, Bryan, Texas 77803
Telephone (979) 209-1171 Fax: (979) 209-1164
bergland@bryanisd.org

To: FCC
From: Jennifer Bergland *Jennifer Bergland*
Re: CC Docket No. 02-6 and 96-45 Request for Review
Date: April 12, 2007



THIS IS a Request for Review of USAC Administrator's Decision dated February 16, 2007

FRN numbers: 1404847, 1404852, 1404853, and 1404861

The reason for denial of the USAC Appeal: "The FRNs were denied because 30% or more of these FRNs include requests for UPS Refresher Kits and/or Replacement Batteries which are ineligible products based on program rules. The online Item 21 Attachments identified that over 30% of these funding requests is for UPS Refresher Kits and/or Replacement Batteries. Consequently, the appeal is denied."

The Replacement Batteries and the UPS Refresher Kits will be used to replace the old battery in the UPS so that an existing UPS can **still** be used. These batteries will not be placed in storage to be used at a later date. They will be used now. This was the most cost effective method of extending the life of the UPS. The other alternative was to purchase a brand new UPS which would have cost more for the district as well the Erate program. If this policy stands, the district will be forced to purchase brand new UPSs which is NOT the most cost effective solution. The Eligible Services List for Fund Year 2006 does not indicate that these are ineligible products. (See page 51 of the Schools and Libraries' Eligible Service List for Funding Year 2006.) Please restore full funding for FRN numbers 1404847, 1404852, 1404853, and 1404861.

Appellant name:	Bryan Independent School District
Applicant name:	Bryan Independent School District
Service Provider:	NSX Technologies, Inc
BEN:	141398
Service Provider SPIN:	143022338
Form 471 number:	510883

Jennifer Bergland
Chief Technology Officer
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List A B C D E

Attachments: USAC Administrator's Decision on Appeal - Funding Year 2006-2007: 2-16-2007
Funding Commitment Decision Letter: 11-29-2006
Item 21 Attachments for 1404847, 1404852, 1404853, and 1404861



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year **2006-2007**

February 16, 2007

Jennifer Bergland
Bryan Independent School District
800 South Texas Avenue
Bryan, TX 77802

Re: Applicant Name: BRYAN **INDEP** SCHOOL DISTRICT
Billed Entity Number: 141398
Form 471 Application Number: 510883
Funding Request Number(s): 1404847, 1404852, 1404853, 1404856, 1404860, 1404861, 1404862, 1404870
Your Correspondence Dated: January 24, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The **date** of **this** letter begins the 60 day time period for appealing **this** decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that **you** will receive a separate letter for each application.

Funding Request Number(s): 1404847, 1404852, 1404853, 1404856, 1404860, 1404861, 1404862, 1404870

Decision on Appeal: Denied
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, the USAC has reviewed and assessed your appeal. The USAC determined that these funding requests were properly evaluated. The FRNs were denied because 30% or more of these FRNs include requests for UPS Refresher Kits and/or Replacement Batteries, which are ineligible products based on program rules. The online Item 21 Attachments identified that over 30% of these funding requests is for UPS Refresher Kits and/or Replacement Batteries. Consequently, the appeal is denied.

- Your **Form 471** application included costs for the following ineligible products and/or services: **UPS** Refresher Kit and/or Replacement Batteries. **FCC** Rules provide **that** funding may be approved only for eligible products and services. 47 C.F.R. secs. 54.502, 54.503. **The** USAC website contains a list of eligible products **and** services. **See** the website, www.usac.org/sl, **Eligible Services List**. **FCC** Rules further require that if 30% or more of the applicant's funding request includes ineligible products **and/or** services, then the funding request must be denied, otherwise the funding request will be reduced accordingly. 47 C.F.R. sec. 54.504(d).

If your appeal has been approved, but funding **has** been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. **02-6** on the first page of your appeal to the FCC. Your appeal must **be** received or postmarked within **60** days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. **If** you **are** submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options **for** filing **an** appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference **Area** of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We **thank** you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

**Jennifer Bergland
Bryan Independent School District
800 South Texas Avenue
Bryan, TX 77802**

**Billed Entity Number: 141398
Form 471 Application Number: 510883
Form 486 Application Number:**

FUNDING COMMITMENT REPORT
Billed Entity Name: BRYAN INDEP SCHOOL DISTRICT
BEN# 141398
Funding Year: 2006

Form 471 Application Number: 510883
Funding Request Number: 1404847 ✓
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 118970000552618
SPIN: 143022338
Service Provider Name: NSX Technologies, Inc
Contract Number: #3-06-07
Billing Account Number: 979-209-1000
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 90094
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$2,852.93
Pre-discount Amount: \$2,852.93
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Incl. svcs. / or product(s)
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request
for Replacement Battery, UPS Refresher Kit which is an ineligible
product(s)/service(s) based on program rules.

FCDL Date: 11/29/2006
Wave Number: 032
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1404852 ✓
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 118970000552618
SPIN: 143022338
Service Provider Name: NSX Technologies, Inc
Contract Number: #3-06-07
Billing Account Number: 979-209-1000
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 90111
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$2,482.46
Pre-discount Amount: \$2,482.46
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Incl. svcs. / or product(s)
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request
for Replacement Batteries which are ineligible product(s)/service(s) based on program
rules.

FCDL Date: 11/29/2006
Wave Number: 032
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT
Billed Entity Name: BRYAN INDEP SCHOOL DISTRICT
BEN: 141398
Funding Year: 2006

Form 471 Application Number: 510883

Funding Request Number: 1404853 ✓

Funding Status: Not Funded

Category of Service: Internal Connections

Form 470 Application Number: 118970000552618

SPIN: 143022338

Service Provider Name: NSX Technologies, Inc

Contract Number: #3-06-07

Billing Account Number: 979-209-1000

Service Start Date: 07/01/2006

Contract Expiration Date: 06/30/2007

Site Identifier: 90112

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$2,482.46

Pre-discount Amount: \$2,482.46

Discount Percentage Approved by the USAC: N/A

Funding Commitment Decision: \$0.00 - Incl. svcs. / or product(s)

Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for Replacement Batteries which are ineligible product(s)/service(s) based on program rules.

FCDL Date: 11 29/2006

Wave Number: 632

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1404855

Funding Status: As Yet Unfunded

Category of Service: Internal Connections

Form 470 Application Number: 118970000552618

SPIN: 143022338

Service Provider Name: NSX Technologies, Inc

Contract Number: #3-06-07

Billing Account Number: 979-209-1000

Service Start Date: 07/01/2006

Contract Expiration Date: 06/30/2007

Site Identifier: 90109

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges:

Annual Pre-discount Amount for Eligible Non-recurring Charges:

Pre-discount Amount:

Discount Percentage Approved by the USAC:

Funding Commitment Decision:

FCDL Date: 11 29/2006

Wave Number: 632

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT
Billed Entity Name: BRYAN INDEP SCHOOL DISTRICT
BEN: 141398
Funding Year: 2006

Form 471 Application Number: 510883

Funding Request Number: 1404861

Funding Status: Not Funded

Category of Service: Internal Connections

Form 470 Application Number: 118970000552618

SPIN: 143022338

Service Provider Name: NSX Technologies, Inc

Contract Number: #3-06-07

Billing Account Number: 979-209-1000

Service Start Date: 07/01/2006

Contract Expiration Date: 06/30/2007

Site Identifier: 90108

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$1,480.31

Pre-discount Amount: \$1,480.31

Discount Percentage Approved by the USAC: N/A

Funding Commitment Decision: \$0.00 - Incl. svcs. / or product(s)

Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for UPS refresher kit which is an ineligible product(s)/service(s) based on program rules.

FCDL Date: 11/29/2006

Wave Number: 032

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1404862

Funding Status: Not Funded

Category of Service: Internal Connections

Form 470 Application Number: 118970000552618

SPIN: 143022338

Service Provider Name: NSX Technologies, Inc

Contract Number: #3-06-07

Billing Account Number: 979-209-1000

Service Start Date: 07/01/2006

Contract Expiration Date: 06/30/2007

Site Identifier: 90095

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$1,571.34

Pre-discount Amount: \$1,571.34

Discount Percentage Approved by the USAC: N/A

Funding Commitment Decision: \$0.00 - Incl. svcs. / or product(s)

Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for Replacement Batteries which are ineligible product(s)/service(s) based on program rules.

FCDL Date: 11/29/2006

Wave Number: 032

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

USAC

Item 21 Attachment

Internal Connections- Funding Year 2006

Applicant Details

Applicant Name BRYAN INDEP SCHOOL DISTRICT
 Billed Entity Number 141398
 Form 471 Application Number 510883
 Funding Request Number [REDACTED]
 Service Provider NSX Technologies, Inc
 Attachment Number 7 Navarro UPS
 Narrative description of this Funding Request New APC battery backup
 Location of components

Make	Model	Product SKU	Line Total
APC Charge -UPS			
1 Refresher Kit #27 for 2200RMXL		CURK27	5484.16
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		1	
unit cost		\$484.16	
Eligible Cost		\$484.16	
InEligible Cost		\$0.00	
2 APC Smart-UPS 2200 RMXL		SU2200RMXL3U	\$996.15
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		1	
Unit Cost		\$996.15	
Eligible Cost		\$996.15	
InEligible Cost		\$0.00	
Total:			\$1,480.31
Funding Requested on 471:			\$1,480.31

Date Submitted

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Item 21 Attachment

Internal Connections - Funding Year 2006

Applicant Details

Applicant Name BRYAN INDEP SCHOOL DISTRICT
 Billed Entity Number 141398
 Form 471 Application Number 510883
 Funding Request Number [REDACTED]
 Service Provider NSX Technologies, Inc
 Attachment Number 1 Crockett UPS
 Narrative description of this Funding Request New APC battery backup
 Location of components

Make	Model	Product SKU	Line Total
Replacement			
1 Batteries for APC		RBC27	\$733.10
SU48R3XLBP			
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		2	
Unit Cost		\$366.55	
Eligible Cost		\$366.55	
InEligible Cost		\$0.00	
2 Refresher Kit for		CURK11	\$300.07
APC SU2200NET			
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		1	
unit cost		\$300.07	
Eligible Cost		\$300.07	
InEligible Cost		\$0.00	
3 APC Smart-UPS XL		SU3000RMXL3U	\$1,195.00
3000VA RM			
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		1	
Unit Cost		\$1,195.00	
Eligible Cost		\$1,195.00	
InEligible Cost		\$0.00	
4 Refresher Kit for		CURK12	\$624.76
APC			

SU5000R5XLTXFMR

Description

Function (Product)	Qty	Unit	Power
	2		
Unit Cost			\$312.38
Eligible Cost			\$312.38
Ineligible Cost			\$0.00
Total:			\$2,852.93
Funding Requested on 471:			\$2,852.93

Date Submitted

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Item 21 Attachment

Internal Connections - Funding Year 2006

Applicant Details

Applicant Name BRYAN INDEP SCHOOL DISTRICT
 Billed Entity Number 141398
 Form 471 Application Number 510883
 Funding Request Number [REDACTED]
 Service Provider NSX Technologies, Inc
 Attachment Number 2 Jones UPS
 Narrative description of this Funding Request New APC battery backup
 Location of components

Make	Model	Product SKU	Line Total
Replacement			
1 Batteries for APC		RBC27	\$733.10
SU48R3XLBP			
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		2	
Unit Cost		\$366.55	
Eligible Cost		\$366.55	
InEligible cost		\$0.00	
Replacement			
2 battreies for APC		RBC43	\$224.39
SUA2200RM2U			
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		1	
unit cost		\$224.39	
Eligible Cost		\$224.39	
InEligible Cost		\$0.00	
Refresher Kit for			
3 APC		CURK12	\$624.76
SU5000R5XLTXFMR			
Description			
Function (Product)		Data Protection(Uninterruptible Power Supply / Battery Backup)	
Quantity		2	
Unit Cost		\$312.38	
Eligible Cost		\$312.38	
Ineligible cost		\$0.00	

4 Refresher Kit for
APC SU2200NET

CURK11

\$900.21

Description**Function (Product)** Data Protection(Uninterruptible Power
Supply / Battery Backup)**Quantity** 3**Unit cost** \$300.07**Eligible Cost** \$300.07**InEligible cost** \$0.00**Total:**

\$2,482.46**Funding Requested on 471:** \$2,482.46

Date Submitted

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Item 21 Attachment

Internal Connections- Funding Year 2006

Applicant Details

Applicant Name	BRYAN INDEP SCHOOL DISTRICT
Billed Entity Number	141398
Form 471 Application Number	510883
Funding Request Number	
Service Provider	NSX Technologies, Inc
Attachment Number	3 Milam UPS
Narrative description of this Funding Request	New APC battery backup
Location of components	

Make	Model	Product SKU	Line Total
Refresher Kit for			
1 APC		CURK12	\$624.76
SU5000R5XLTXFMR			

Description

Function (Product)	Data Protection(Uninterruptible Power Supply / Battery Backup)
--------------------	--

Quantity	2
----------	---

Unit Cost	\$312.38
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Eligible Cost	\$312.38
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InEligible Cost	\$0.00
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Rebplcement			
2 batteries for APC		RBC43	\$224.39
SUA2200RM2U			

Description

Function (Product)	Data Protection(Uninterruptible Power Supply / Battery Backup)
--------------------	--

Quantity	1
----------	---

Unit Cost	\$224.39
-----------	----------

Eligible Cost	\$224.39
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InEligible Cost	\$0.00
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Replacement			
3 batteries for APC		RBC27	\$733.10
SU48R3XLBP			

Description

Function (Product)	Data Protection(Uninterruptible Power Supply / Battery Backup)
--------------------	--

Quantity	2
----------	---

Unit Cost	\$366.55
-----------	----------

Eligible Cost	\$366.55
---------------	----------

InEligible Cost	\$0.00
-----------------	--------

4 Refresher Kit for
APC SU2200NET

CURK11

\$900.21

Description

Function (Product) Data Protection(Uninterruptible Power
Supply / Battery Backup)

Quantity 3

Unit cost \$300.07

Eligible Cost \$300.07

InEligible Cost \$0.00

Total: \$2,482.46

Funding Requested on 471: \$2,482.46

Date Submitted

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